

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DERRICK J. ELLERBE,**  
**Plaintiff,**

**v.**

**CEO/PRESIDENT OF SEPTA**  
**Defendant.**

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**CIVIL ACTION NO. 23-CV-4877**

**ORDER**

AND NOW, this 14<sup>th</sup> day of December, 2023, upon consideration of Plaintiff Derrick J. Ellerbe's *pro se* Complaint (ECF No. 2) it is **ORDERED** that:

1. The Complaint is **DISMISSED WITH PREJUDICE** as frivolous and malicious for the reasons in the Court's Memorandum.
2. The Court certifies that any appeal from this Order is not taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3)(A).
3. The Clerk of Court is **DIRECTED** to **CLOSE** this case.

**BY THE COURT:**

/s/ **Michael M. Baylson**

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**MICHAEL M. BAYLSON, J.**